

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-22 and 24-27 are pending in the application, with claims 1, 2, 17, 18, 20, and 22 being the independent claims. Claim 23 is sought to be cancelled without prejudice to or disclaimer of the subject matter therein. Claims 1, 17, 18, 22, 24, and 25 are sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

***Allowable Subject Matter***

Applicants acknowledge with appreciation the Examiner's indication that claims 1, 2-16, 20, and 21 are allowed and that claims 18, 19, 23, and 24 would be considered allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, claim 18 has been amended to include the limitations of base claim 17 and to improve its form. Claim 1 has been amended to more broadly recite the claimed subject matter.

***Claim Objections***

In the Office Action, claim 25 was objected to because of an informality. Specifically, the Examiner stated that "[t]he source of the tag population data should be inserted between 'from' and 'external.'" Applicants have amended claim 25 to identify the source of the tag population data. Claim 25 now recites "obtaining at least some of

the tag population data from a device external to the reader." Reconsideration and withdrawal of the claim objection is therefore respectfully requested.

***Rejections under 35 U.S.C. § 102***

Claims 17 and 22 were rejected under 35 U.S.C. §102(e) as being anticipated by Hulvey, U.S. Patent No. 6,727,803 (Hulvey). Applicants respectfully traverse this rejection.

Hulvey does not teach or suggest each and every element of amended claim 17. Hulvey describes a system and method for interrogating a plurality of RFID transponders. (Hulvey, Abstract). In Hulvey, the reader stores bits received from the plurality of tags during bit negotiation in a bit string buffer. (Hulvey, col. 9, lines 56-58). The reader initiates the negotiation of a bit by sending a command to the tags. (Hulvey, col. 9, lines 45-46). If the reader receives a zero or a one (but not both) from the plurality of tags in response, the reader appends the received bit to the current bit string buffer. (Hulvey, col. 9, lines 56-58). If an RFID reader receives both a zero and a one from the plurality of readers in response, the reader makes a copy of the current bit string buffer and appends a zero to the copy. (Hulvey, col. 9, line 64 - col. 10, line 1). If the total number of bits in the buffer equals the number of bits in a tag identification (ID) number, the bit string buffer copy is placed onto the isolated tag stack. (Hulvey, col. 10, lines 2-7). If the total number of bits does not equal the number of bits in the tag ID number, the bit string buffer copy is placed onto a non-isolated tag stack. (Hulvey, col. 10, lines 7-9). The reader in Hulvey stores the following negotiated ID bit strings: the isolated tag IDs (in the isolated tag stack), partial tag IDs (in the non-isolated tag stack), and the current bit sequence being negotiated. The reader in Hulvey does not store count

information for a tree traversal node based on the responses received during multiple traversals of the node.

Thus, Hulvey does not teach or suggest a method including "(b) transmitting a symbol to the population of tags; (c) determining if at least one symbol is received from the population of tags; (d) if it is determined in step (c) that at least one symbol has been received, adjusting traversal count information stored for the logical node based on the response received," as recited in amended independent claim 17.

Furthermore, Hulvey does not teach or suggest each and every element of amended independent claim 22. Applicants have amended independent claim 22 to include the limitation of allowable dependent claim 23. As acknowledged by the Examiner in the Office Action, Hulvey does not teach or suggest a method including "storing data related to the tag population, wherein the tag population data includes node weighting information for each populated node in a binary tree," as recited in amended independent claim 22.

Applicants therefore respectfully submit that Hulvey fails to teach or suggest all the elements of amended independent claims 17 and 22. Reconsideration and withdrawal of this rejection is therefore respectfully requested.

***Rejections under 35 U.S.C. § 103***

Claims 25-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hulvey as applied to claim 22 and further in view of Armstrong, U.S. Patent Publication 2002/0175805 (Armstrong). Applicants respectfully traverse this rejection.

Claims 25-27 depend from amended independent claim 22. Armstrong does not overcome all of the deficiencies of Hulvey relative to amended independent claim 22,

described above. For at least these reasons, and further in view of their own features, claims 25-27 are patentable over the combination of Hulvey and Armstrong. Reconsideration and withdrawal of this rejection is therefore respectfully requested.

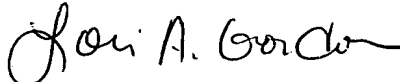
### ***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Lori A. Gordon  
Attorney for Applicants  
Registration No. 50,633

Date: November 23, 2005

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600